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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/330,860 | 06/11/1999 | MICHAEL D. ELLIS | UV-69 | 9912 |

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EXAMINER

GESESSE, TILAHUN

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2684

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/330,860

Applicant(s)

ELLIS, MICHAEL D.

Examiner

Tilahun B Gesesse

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-95 is/are pending in the application.
- 4a) Of the above claim(s) 1-28, 33-60 and 65-91 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-32, 61-64 and 92-95 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 29-32,61-64 and 92-95 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahisa et al (5,812,937).

As to claim 29,61,92 Takahisa et al disclose a music distribution system (fig.1 and 1a) in which music is distributed over a plurality of music channels to a number of users for playing by their user music equipment(col.3 lines 45-60), wherein each music channel has an associated data stream containing information on a plurality of music programs (col.3 line 61-col.4 line 11), the system comprising: Takahisa et al disclose a circuit in the user music equipment (200) for obtaining a first music program carried on a first of the plurality of music program carried on a first of the plurality of music channels (1905) and for obtaining the music information on a second music program (1902) with the first music channel while the first music program is being played by the user music equipment ((col.20 lines 28-51). Takahisa et al disclose data streams associated with channel (105)(fig.1). Takahisa et al disclose an interactive music application (206 of fig.2) implemented at least in part on the user music equipment (col.7 line 43-col.8 line18) , wherein the circuit is directed by the interactive (206) music application to

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obtain the music information on the second music program (data stream) and the music information on the second music program is displayed (300 of fig.3) by the user music equipment using the interactive music application while the first music program is being played by the user music equipment (col. 20 lines 45-col.21 line9 and fig.19). Takahisa et al disclose television (col.13 line 66-col.14 line 4).

As to claim 30,62,93 Takahisa et al disclose the music information on the second music program is displayed in a browse display (1000,1302,1701-1704,1902) by the user music equipment using the interactive music application while the first music program is being played by the user musical equipment (figs. 10,14,17 and 19).

As to claim 31-32, 63-64,94-95,Mankovitz discloses the music information on the second music program is displayed in a full music information screen (1000,1302,1701-1704,1902) by the user music equipment using the interactive music application (1002,1302,1902) while the first music program is being played by the user music equipment (figs.10,14,17 and 19).

Response to Arguments

3. Applicant's arguments with respect to claims 29-33,61-64,92-95, have been considered but are moot in view of the new ground(s) of rejection.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mankovitz (RE37,131) discloses displaying the lyrics on the display device while the song is being played by the player such that the displayed lyrics are in synchronism with the song being played (claim 4)

6. ***Any response to this action should be mailed to:***

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 746-6042 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor, (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun Gesesse whose telephone number is (703) 308-5873.. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Le, Thanh, can be reached on (703) 305-4819. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

TBG

Mar 27, 2003



Tilahun Gesesse